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DATE: June 24, 2004

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TELECOPIER NO.: 1-703-872-9306

CLIENT MATTER NO.: QUIG-1006USCIP

SENDER'S NAME: Kevin J. Dunleavy, Esq.

NO. OF PAGES: 19
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JUN 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application of: :
Richard A. Rosenbloom :
Application No.: : Group Art Unit:
10/045,790 : 1617
Filing Date: : Examiner:
January 14, 2002 : S.A. Jiang, Ph.D.
: Attorney Docket No.:
For: Oral Compositions And Methods : QUIG-1006USCIP
For Prevention, Reduction And :
Treatment of Radiation Therapy :

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(e)(1)

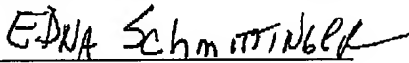
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and 1.97(e), Applicants bring to the attention of the Examiner the documents listed on the attached Substitute Form PTO 1449 (in duplicate). No fee is believed to be due in connection with this submission. However, if any fee is due, the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I certify that this document, along with any document referred to as being attached, is being facsimiled on June 24, 2004, under 37 C.F.R. §1.8 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Name of person signing document


Signature of person signing document

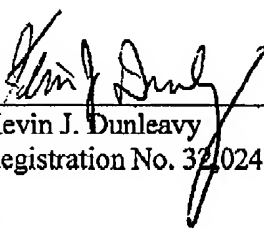
Certification Under 37 CFR 1.97(e)(1)

The references cited in this Information Disclosure Statement were cited in the International Search Report dated May 25, 2004 from the International Searching Authority in the corresponding international application (PCT/US03/33415). This Information Disclosure Statement is being filed within three months from the International Search Report.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Substitute PTO 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If the Examiner applies the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Respectfully submitted,



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Page 1 (U.S. Patents)

FORM PTO-1449 Modified
Documents Cited by ApplicantU.S. App. No.: 10/045,790
Filed: January 14, 2002
Group: 1617
Applicant: Rosenbloom
Docket No.: QUIG-1008USCIP

Examiner Initial	Item No.	Document No.	Date	Name	Class	Subclass
	1US	5,776,460	July 7, 1998	Kim et al.		
	2US					
	3US					
	4US					
	5US					
	6US					
	7US					
	8US					
	9US					
	10US					
	11US					
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	13US					
	14US					
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	42US					
	43US					
	44US					
	45US					
	46US					
	47US					

EXAMINER:

DATE CONSIDERED:

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference QUIG-06WO3	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US03/33415	International filing date (day/month/year) 22 October 2003 (22.10.2003)	(Earliest) Priority Date (day/month/year) 24 October 2002 (24.10.2002)
Applicant THE QUIGLEY CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. _____



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

Form PCT/ISA/210 (first sheet) (July 1998)

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/33415

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61K 7/42, 7/44, 31/59, 31/58, 31/20

US CL : 4724/59, 60; 514/167, 170, 558

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 4724/59, 60; 514/167, 170, 558

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
UAPATFULL, PCTFULL, WPIDS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 97/18817 A1 (KITA, KIYOSHI) 29 May 1997 (29.05.1997), abstract and entire patent.	1-25
Y	US 5,571,441 A (ANDON et al.) 5 November 1996 (05.11.1996), abstract, column 5-7 and 10-14, and claims 1-20.	1-25
Y	US 5,776,460 A (KIM et al.) 7 July 1998 (07.07.1998), column 1 lines 21-27.	1-25

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubt on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later documents published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

documents of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z"

document member of the same patent family

Date of the actual completion of the international search

09 January 2004 (09.01.2004)

Date of mailing of the international search report

25 MAY 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703)305-3230

Authorized officer

Sreeni Padmanabhan

Telephone No. (571) 272-1600

Form PCT/ISA/210 (second sheet) (July 1998)

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.